

## Agricultural Marketing Service, USDA

## § 60.127

### § 60.107 Food service establishment.

*Food service establishment* means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility operated as an enterprise engaged in the business of selling food to the public. Similar food service facilities include salad bars, delicatessens, and other food enterprises located within retail establishments that provide ready-to-eat foods that are consumed either on or outside of the retailer's premises.

### § 60.108–60.110 [Reserved]

### § 60.111 Hatched.

*Hatched* means emerged from the egg.

### § 60.112 Ingredient.

*Ingredient* means a component either in part or in full, of a finished retail food product.

### § 60.113 [Reserved]

### § 60.114 Legibly.

*Legibly* means text that can be easily read by a consumer.

### § 60.115 [Reserved]

### § 60.116 Person.

*Person* means any individual, partnership, corporation, association, or other legal entity.

### § 60.117 [Reserved]

### § 60.118 [Reserved]

### § 60.119 Processed food item.

*Processed food item* means a retail item derived from fish or shellfish that has undergone specific processing resulting in a change in the character of the covered commodity, or that has been combined with at least one other covered commodity or other substantive food component (e.g., breeding, tomato sauce), except that the addition of a component (such as water, salt, or sugar) that enhances or represents a further step in the preparation of the product for consumption, would not in itself result in a processed food item. Specific processing that results in a change in the character of the covered commodity includes cook-

ing (e.g., frying, broiling, grilling, boiling, steaming, baking, roasting), curing (e.g., salt curing, sugar curing, drying), smoking (hot or cold), and restructuring (e.g., emulsifying and extruding, compressing into blocks and cutting into portions). Examples of items excluded include fish sticks, surimi, mussels in tomato sauce, seafood medley, coconut shrimp, soups, stews, and chowders, sauces, pates, salmon that has been smoked, marinated fish fillets, canned tuna, canned sardines, canned salmon, crab salad, shrimp cocktail, gefilte fish, sushi, and breaded shrimp.

### § 60.120 [Reserved]

### § 60.121 [Reserved]

### § 60.122 Production step.

*Production step* means in the case of:

(a) [Reserved]

(b) Farm-raised Fish and Shellfish: Hatched, raised, harvested, and processed.

(c) Wild Fish and Shellfish: Harvested and processed.

### § 60.123 Raised.

*Raised* means in the case of:

(a) [Reserved]

(b) Farm-raised fish and shellfish as it relates to the production steps defined in § 60.122: the period of time from hatched to harvested.

### § 60.124 Retailer.

*Retailer* means any person licensed as a retailer under the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499a(b)).

### § 60.125 Secretary.

*Secretary* means the Secretary of Agriculture of the United States or any person to whom the Secretary's authority has been delegated.

### § 60.126 [Reserved]

### § 60.127 United States.

*United States* means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, the Northern Mariana Islands, and any other Commonwealth, territory, or

## § 60.128

possession of the United States, and the waters of the United States as defined in § 60.132.

### § 60.128 United States country of origin.

*United States country of origin* means in the case of:

- (a) [Reserved]
- (b) [Reserved]
- (c) Farm-raised fish and shellfish: from fish or shellfish hatched, raised, harvested, and processed in the United States, and that has not undergone a substantial transformation (as established by U.S. Customs and Border Protection) outside of the United States.
- (d) Wild-fish and shellfish: from fish or shellfish harvested in the waters of the United States or by a U.S. flagged vessel and processed in the United States or aboard a U.S. flagged vessel, and that has not undergone a substantial transformation (as established by U.S. Customs and Border Protection) outside of the United States.
- (e) [Reserved]
- (f) [Reserved]

### § 60.129 USDA.

*USDA* means the United States Department of Agriculture.

### § 60.130 U.S. flagged vessel.

*U.S. flagged vessel* means:

- (a) Any vessel documented under chapter 121 of title 46, United States Code; or
- (b) Any vessel numbered in accordance with chapter 123 of title 46, United States Code.

### § 60.131 Vessel flag.

*Vessel flag* means the country of registry for a vessel, ship, or boat.

### § 60.132 Waters of the United States.

*Waters of the United States* means those fresh and ocean waters contained within the outer limit of the Exclusive Economic Zone (EEZ) of the United States as described in Department of State Public Notice 2237 published in the FEDERAL REGISTER volume 60, No. 163, August 23, 1995, pages 43825-43829. The Department of State notice is republished in appendix A to this subpart.

## 7 CFR Ch. I (1-1-05 Edition)

### § 60.133 Wild fish and shellfish.

*Wild fish and shellfish* means naturally-born or hatchery-originated fish or shellfish released in the wild, and caught, taken, or harvested from non-controlled waters or beds; and fillets, steaks, nuggets, and any other flesh from a wild fish or shellfish.

#### COUNTRY OF ORIGIN NOTIFICATION

### § 60.200 Country of origin notification.

In providing notice of the country of origin as required by the Act, the following requirements shall be followed by retailers:

(a) *General.* Labeling of covered commodities offered for sale whether individually, in a bulk bin, display case, carton, crate, barrel, cluster, or consumer package must contain country of origin and method of production information (wild and/or farm-raised) as set forth in this regulation.

(b) *Exemptions.* Food service establishments as defined in § 60.107 are exempt from labeling under this subpart.

(c) *Exclusions.* A covered commodity is excluded from this subpart if it is an ingredient in a processed food item as defined in § 60.119.

(d) *Designation of Method of Production (Wild and/or Farm-Raised).* Fish and shellfish covered commodities shall also be labeled to indicate whether they are wild and/or farm-raised as those terms are defined in this regulation.

(e) *Labeling Covered Commodities of United States Origin.* A covered commodity may only bear the declaration of "Product of the U.S." at retail if it meets the definition of United States Country of Origin as defined in § 60.128.

(f) *Labeling Imported Products That Have Not Undergone Substantial Transformation in the United States.* An imported covered commodity shall retain its origin as declared to U.S. Customs and Border Protection at the time the product entered the United States, through retail sale, provided that it has not undergone a substantial transformation (as established by U.S. Customs and Border Protection) in the United States.

(g) *Labeling Imported Products That Have Subsequently Been Substantially Transformed in the United States.*